

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**DANIEL FEQUIERI,**

**Plaintiff,**

**v.**

**9:12-CV-908  
(FJS/RFT)**

**M. EDDY, Sergeant, Upstate Correctional Facility;  
ST. MARY, C.O., Upstate Correctional Facility;  
FOURIOR, Correctional Officer, Upstate  
Correctional Facility; BOYD, C.O., Upstate  
Correctional Facility; WOODS, C.O., Upstate  
Correctional Facility; HOLMES, Nurse, Upstate  
Correctional Facility; and GOKEY, Sergeant,  
Upstate Correctional Facility,**

**Defendants.**

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**APPEARANCES**

**OF COUNSEL**

**DANIEL FEQUIERI**

**06-A-0444**

Upstate Correctional Facility

Malone, New York 12953

Plaintiff *pro se*

**OFFICE OF THE NEW YORK  
STATE ATTORNEY GENERAL**

The Capitol

Albany, New York 12224

Attorneys for Defendants

**JOSHUA E. MCMAHON, AAG**

**SCULLIN, Senior Judge**

**ORDER**

Plaintiff brought this action pursuant to 42 U.S.C. § 1983, alleging that Defendants knowingly housed him with rival gang members on February 19, 2010, March 15, 2010, on two occasions, and two years later on May 20, 2012, and that Defendants did not provide him with

adequate medical care for injuries he sustained during a resultant fight on March 15, 2010. *See generally* Dkt. No. 7, Amended Complaint. Defendants filed a motion for summary judgment, *see* Dkt. No. 49, which Plaintiff opposed, *see* Dkt. Nos. 54, 56. On June 23, 2014, Magistrate Judge Treece issued a well-reasoned and comprehensive Report-Recommendation and Order, in which he recommended that this Court grant Defendants' motion and dismiss this action in its entirety. *See generally* Dkt. No. 63. Plaintiff filed objections to these recommendations, *see generally* Dkt. No. 64, to which, Defendants responded, *see* Dkt. No. 65. Finally, Plaintiff filed a response to Defendants' submission. *See* Dkt. No. 66.

When a party makes specific objections to portions of a magistrate judge's report and recommendation, the court conducts a *de novo* review of those recommendations. *See Twombly v. Oneill*, No. 8:11-CV-0569, 2011 WL 5881781, \*2 (N.D.N.Y. Nov. 23, 2011) (citing Fed. R. Civ. P. 72(b)(2); 28 U.S.C. § 636(b)(1)(C)). Where a party makes only conclusory or general objections, however, the court reviews the report and recommendation for "clear error" only. *See Salmini v. Astrue*, No. 3:06-CV-458, 2009 WL 1794741, \*1 (N.D.N.Y. June 23, 2009) (quotation omitted). After conducting the appropriate review, a district court may decide to accept, reject or modify those recommendations. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, \*10 (N.D.N.Y. Sept. 29, 2009) (quoting 28 U.S.C. § 636(b)(1)(C)).

In light of Plaintiff's filing of objections, as well as his *pro se* status, the Court has conducted a *de novo* review of Magistrate Judge Treece's Report-Recommendation and Order. Having completed that review, the Court hereby

**ORDERS** that Magistrate Judge Treece's June 23, 2014 Report-Recommendation and Order is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

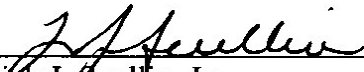
**ORDERS** that Defendants' motion for summary judgment is **GRANTED** and this action is **DISMISSED** in its entirety; and the Court further

**ORDERS** that the Clerk of the Court shall enter judgment in favor of Defendants and close this case; and the Court further

**ORDERS** that the Clerk of the Court shall serve a copy of this Order on the parties in accordance with the Local Rules.

**IT IS SO ORDERED.**

Dated: September 24, 2014  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge